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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE TRANSPACIFIC PASSENGER AIR)	
TRANSPORTATION ANTITRUST)	1:07-CV-5634-CRB
LITIGATION)	
)	MDL 1913
This Document Relates To:)	
)	EXPERT STIPULATION AND
All Actions)	[PROPOSED] ORDER
)	

The Plaintiffs and Defendants agree as follows regarding the scope of any expert discovery in this case, relating to both class certification and the merits, and hereby agree and submit this stipulation and proposed order:

1 1. Within three business days of any party serving any expert reports and/or expert
 2 declarations in this litigation pursuant to Fed. R. Civ. P. 26(a)(2)(B), the party or parties
 3 proffering the expert witness shall produce: the data or other information relied upon by the
 4 expert witness in forming the expert witness's opinions; any exhibits that summarize or support
 5 the expert witness's opinions; the expert witness's qualifications, including a list of all
 6 publications authored in the previous 10 years; a list of all other cases in which, during the
 7 previous four years, the expert witness has testified as an expert at trial or by deposition; a
 8 statement of the compensation to be paid for the expert witness's study and testimony in the
 9 case. "Data or other information relied upon" shall be deemed to include, but will not be limited
 10 to, underlying data, spreadsheets, computerized regression analysis and/or other underlying
 11 reports and schedules sufficient to reconstruct the expert witness's work, calculations, and/or
 12 analyses. Information should be produced electronically (via email or disc) where appropriate.
 13 Where documents have previously been produced as part of the discovery, identification by
 14 Bates number is sufficient. As to other documents relied upon by the expert, documents that are
 15 publicly available need not be produced absent specific request.

16 2. Notwithstanding the foregoing and the Federal Rules of Civil Procedure, the
 17 following types of information shall *not* be the subject of discovery:

18 (a) the content of communications among and between: (i) counsel and the expert
 19 and/or the expert's staff and/or supporting firms; (ii) counsel and any non-testifying expert
 20 consultant and/or the consultant's staff; (iii) the expert and other experts and/or other non-
 21 testifying expert consultants; (iv) experts and their staff and/or supporting firms; (v) non-
 22 testifying expert consultants and their staffs; (vi) the respective staffs and/or supporting firms of
 23 experts or non-testifying expert consultants and the staffs and/or supporting firms of other
 24 experts or non-testifying expert consultants.

25 (b) notes, drafts, written communications or other records of preliminary work
 26 created by, or for, experts or non-testifying expert consultants.

27 The foregoing exclusions from discovery will not apply to any information,
 28 communications or documents upon which the expert relies as a basis for his or her opinion.

The parties agree to comply with this Stipulation and Order pending the Court's approval.

IT IS SO STIPULATED.

DATED: July 16, 2010

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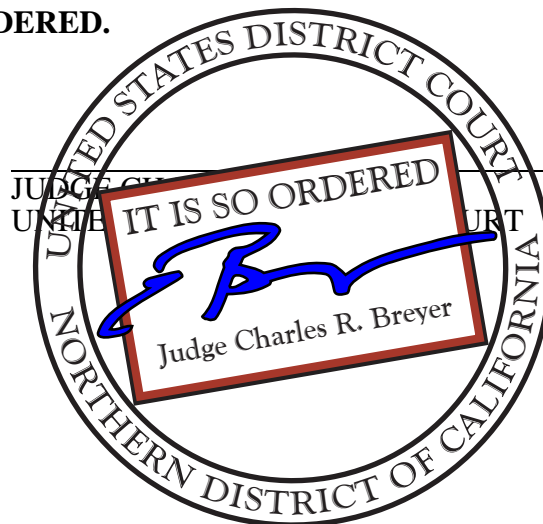
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9 By: William Karas
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13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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15 DATED: July 20, 2010



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